

JOURNAL OF THE HOUSE.

Thursday, September 14, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God of Goodness and Truth, we live each moment of the day in Your eternal presence. In a prayerful spirit, we call upon You and Your assistance to help us to keep our personal and legislative goals in clear focus. We also need You in our daily struggle to achieve the purpose for which we have been created by You. As elected leaders, inspire us to be objective in evaluating issues, thoughtful in making decision, just in dealing with constituents and sensitive to the needs of people in our communities. Teach us to respect the dignity and rights of all people.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

John
Alexander
Rowan.

Resolutions (filed by Messrs. Rogers of Norwood, Kafka of Stoughton, Ross of Wrentham and Coughlin of Dedham) congratulating John Alexander Rowan of Walpole on earning the rank of Eagle Scout;

Attleboro
Area Council
of Churches.

Resolutions (filed by Representatives Lepper of Attleboro, Poirier of North Attleborough, Coppola of Foxborough, Ross of Wrentham and Kafka of Stoughton) in recognition of the Attleboro Area Council of Churches sixty years of service to the Attleboro area;

Adult Day
Services
Week.

Resolutions (filed by Mr. Cabral of New Bedford) celebrating September 17 to September 23 as a National Adult Day Services Week;

Health
Expo.

Resolutions (filed by Mr. Cabral of New Bedford) on the occasion of New Bedford Rehabilitation Hospital's "Health Expo 2006" on Thursday, September 21, 2006 during National Rehabilitation Week;

Richard
and Jestina
Richardson.
Draper
Brothers
Company.

Resolutions (filed by Ms. Fox of Boston) honoring Reverend Richard and Jestina Richardson;

Resolutions (filed by Mr. Galvin of Canton) on the one hundred and fiftieth anniversary of the establishment of the Draper Brothers Company;

Robert M.
Galvin.

Resolutions (filed by Mr. Nyman of Hanover) congratulating Chief Robert M. Galvin on the occasion of his retirement from the Norwell Police Department; and

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Resolutions (filed by Mr. Ross of Wrentham) congratulating Evelyn Cowles Perry on the occasion of her ninetieth birthday;

Evelyn
Cowles
Perry.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. O'Brien of Kingston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mr. Pignatelli of Lenox presented a petition (accompanied by bill, House, No. 5293) of William Smitty Pignatelli (by vote of the town) relative to the retirement and health insurance of certain elected officials of the town of Tyringham; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Tyringham,
Health
insurance.

Petitions severally were presented and referred as follows:

By Mr. Casey of Winchester, petition (subject to Joint Rule 12) of Paul C. Casey, Patrick M. Natale and another for legislation to grant certain creditable service to Thomas J. Keane, a retired vocational education teacher for the Malden School District.

Thomas J.
Keane,
retirement.

By Mr. Rodrigues of Westport, petition (subject to Joint Rule 12) of Michael J. Rodrigues for legislation to establish a sick leave bank for Paul LaFrance, an employee of the Department of Correction.

Paul
LaFrance,
sick leave
bank.

By Mr. Torrisi of North Andover, petition (subject to Joint Rule 12) of David M. Torrisi and others for legislation to designate a certain bridge in the city of Lawrence as the Charles F. Nyhan, Sr. Bridge.

Lawrence,
Nyhan
bridge.

Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

The following notice was received from the Clerk of the Senate, to wit:

September 8, 2006.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356 State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Robert E. Travaglini, President of the Senate has announced his appointments to the Special Commission established (pursuant to Section 114 of Chapter 58 of the Acts of 2006) to "examine and study the impact of merging the non-group insurance market as defined in Chapter 176M of the General Laws and small-group health insurance market as defined in chapter 176J of the General Laws".

Group
insurance
markets,
merger.

The President has appointed the following:

Group
insurance
markets,
merger.

Senator Dianne Wilkerson, Chairwoman of the Committee on State Administration and Regulatory Oversight in the Senate.

Karen Swartz, Health Economist and Professor of Health Policy and Economics at the Department of Health Policy and Management at Harvard School of Public Health.

Gary Lin, Chief Actuary at Harvard Pilgrim Health Care, as the Senate appointed actuary.

Uncompensated
Care Trust
Fund,
employer
contributions.

The President also announced the appointment to the Special Commission established (pursuant to Subsection 16N of Section 3 of Chapter 58 of the Acts of 2006) to study the feasibility of reducing or eliminating the contribution made by contributing employers to the Uncompensated Care Trust Fund of Senator Richard T. Moore, Chairman of the Committee on Health Care Financing and Senator Stephen J. Buoniconti, Chairman of the Senate Committee on Ethics and Rules.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

Salem,
liquor
license.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the city of Salem to issue an additional license for the sale of wine and malt beverages to be drunk on the premises (House, No. 5272) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

Under suspension of Rule 7A, on motion of Mr. Fallon of Malden, the bill was read a second time forthwith; and it was ordered to a third reading.

Bureau of Fire Control.

Bureau of
Fire
Control.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4800) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 486) of Mary E. Grant relative to the benefits for uniformed members of the Bureau of Fire Control,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Engrossed Bills.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Kathreen Tessier, an employee of the Department of Revenue (see House, No. 5038) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Authorizing the Division of Capital Asset Management and Maintenance to convey certain permanent easements to Brockton Hospital (see Senate, No. 2537, changed); bills
enacted.

Establishing a special commission on long term care for persons with adult onset disabilities (see Senate, No. 2582);

(Which severally originated in the Senate);

Directing the State Superintendent of State Office Buildings to install a plaque or painting in honor of school nurses in the State House (see House, No. 3531);

Exempting the position of school custodian in the town of Hull from the civil service law (see House, No. 4208);

Exempting the position of superintendent of streets of the town of Hull from the civil service law (see House, No. 4309);

Designating a portion of the Captain William K. Webb Memorial State Park in the town of Weymouth as the Robert B. Ambler Walkway (see House, No. 4921); and

Increasing the statute of limitations for sexual crimes against children (see House, No. 5234, amended);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill providing for a study by the Executive Office of Transportation and Construction (Senate, No. 1909, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House. Third
reading
bill.

The House Bill relative to data collection for government assisted housing in Massachusetts (House, No. 4423, amended) was read a second time. Second reading
bill amended.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4978),— was adopted.

The substituted bill then was ordered to a third reading.

The engrossed Resolve providing for an investigation and plan by a special commission relative to ending homelessness in the Commonwealth (see House, No. 5206, amended) (which had been returned to the House by His Excellency the Governor with recommendation of amendments) (for message, see House, No. 5264), was considered. Homelessness,
study.

The amendments recommended by the Governor then were adopted in the following form (as approved by the committee on Bills in the Third Reading):

By striking out section 1 and inserting in place thereof the following section:

Homelessness,
study.

“SECTION 1. There shall be a special commission for the purpose of devising a statewide strategy to end homelessness in the commonwealth. The commission shall consist of 5 members of the senate, one of whom shall be a member of the minority party, 5 members of the house of representatives, one of whom shall be a member of the minority party, the director of housing and community development or his designee, the commissioner of mental health or her designee, the commissioner of transitional assistance of his designee, the secretary of veterans’ services of his designee, 3 mayors of their designees nominated by the Massachusetts Municipal Association, the president of the Massachusetts Sheriffs’ Association or his designee, the chief justice of the housing court of his designee, 6 persons to be appointed by the governor, and each member of the interagency council on homelessness and housing, established by Executive Order number 454 dated November 20, 2003. The governor shall designate a member of the commission to serve as co-chairperson. The commission’s strategy shall outline the necessary steps to replace the decade-old system of ad hoc and disparate emergency responses to homelessness with a coordinated and consolidated plan for permanent solutions to homelessness involving housing, economic development, and job creation.”; in section 2, by striking out the introductory paragraph and inserting in place thereof the following paragraph:

“The commission shall utilize and incorporate the work of the interagency council on homelessness and housing and shall, by June 30, 2007, develop a comprehensive housing plan to end homelessness in the commonwealth, including a consensus budget proposal, capable of being implemented over a 5 year period, with a focus as follows:— “; and in section 4 by striking out the last sentence and inserting in place thereof the following sentence: “The commission’s role shall be advisory in nature, and its recommendations, decisions, and actions shall not be binding on the executive branch or the legislative branch. One year from the effective date of this act, the commission shall be dissolved and any of its remaining responsibilities shall be assumed by the interagency council on homelessness and housing.”.

Sent to the Senate for concurrence.

Bill of Rights
Day.

The House Bill designating December 15 as Bill of Rights Day (House, No. 4600), its title having been changed by the committee on Bills in the Third Reading, was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be consolidated with the House Bill declaring December 15 as Bills of Rights Day (House, No. 3477), likewise referred to said committee; and the report was accepted.

The bill (House, No. 4600) then was passed to be engrossed. Sent to the Senate for concurrence.

Paper from the Senate.

The Senate Bill further regulating election practices (Senate, No. 2277) came from the Senate with the endorsement that said branch had non-concurred with the House in its amendments (as

Voting
rights,
strengthen.

appearing in the House Journal for June 6, as changed by the House committee on Bills in the Third Reading).

On motion of Mr. Petrucci of Boston, the House receded from its amendments in section 1 (as printed), in line 5, by inserting after the word “commonwealth” the words “and if any such city so chooses, subject to the approval of the city council and the board of registrars”; in section 3 (as printed), in line 14, and also in section 5 (as printed), in line 14, by inserting after the word “schooled;”, in each instance, the word “and”; inserting after section 1 (as printed) a section 2 (as changed by the committee on Bills in the Third Reading), as follows:

“SECTION 2. Section 11B of said chapter 54, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word ‘provided’, in line 21, the following words:— and if any such city so chooses, subject to the approval of the city council and board of registrars.” (formerly section 8); and by inserting after section 4 (as printed) a section 5 (as changed by the committee on Bills in the Third Reading), as follows:

“SECTION 5. Section 12 of said chapter 54, as so appearing is hereby amended by inserting after the word ‘officers’, in lines 2 and 3, the following words:— and if any town so chooses, subject to the approval of the board of aldermen or board of selectmen and board of registrars.” (formerly section 9); and on further motion of the same member, the House insisted on its amendment inserting after section 7 (as printed) a section 8, as follows:

“SECTION 8. Section 13 of said chapter 54, as so appearing, is hereby amended by striking in lines 1 to 4, inclusive, the first sentence and inserting in place thereof the following:— Such election officers shall be enrolled voters so appointed as equally to represent the two leading political parties, except that, without disturbing the equal representation of such parties, not more than one third of the election officials not representing either of them may be appointed.” (formerly section 5A).

Sent to the Senate for its action.

At thirteen minutes before twelve o’clock noon, on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House recessed until half past the hour of twelve o’clock; and at nine minutes before one o’clock P.M. the House was called to order with Mr. Donato in the Chair. Recess.

The bill then came from the Senate with the endorsement that said branch had receded from its non-concurrence with the House in its amendment inserting section 8; and concurred therein with a further amendment inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to further regulate election practices for elections in the current year, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

Under suspension of the rules, on motion of Mr. Petrucci of Boston, the further amendment was considered forthwith; and it was adopted, in concurrence.

Emergency Measure.

Voting
rights,
strengthen.

The engrossed Bill further regulating election practices (see Senate, No. 2277, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At seven minutes after one o'clock P.M., on motion of Mr. Kaufman of Lexington (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.